

### **REMARKS/ARGUMENTS**

Claims 1, 2, 5 and 6 are pending herein. Claims 1 and 2 have been amended as supported by lines 19-28 on page 6 and Fig. 1 of the present application, for example. Claims 3 and 4 have been cancelled without prejudice or disclaimer. Claims 5 and 6 have been amended to correct matters of form

Examiner Campbell is thanked for courtesies extended to Applicants' representative (Tim Evans) during a telephonic interview on April 5, 2006, at which time an amendment to the independent claims was proposed to include the feature of a running surface. Applicants have, however, decided not to include the feature as discussed during the interview.

1. Claims 1-3 and 6 were rejected under §103(a) over Hergeth. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Independent claims 1 and 2 have been amended to recite an alpine ski having a sidecut which has a radius smaller than 24 meters. The ski comprises two longitudinal elements extending from at least one of front and rear ends of the ski to at least a position in an underfoot zone of the ski, and a cavity formed between the longitudinal elements opening longitudinally at the end. A platform is joined against an upper surface of the longitudinal elements in at least the underfoot zone to close at least a portion of the cavity and maintain a constant size of the cavity in the underfoot zone.

Hergeth fails to disclose at least four of the beneficial features recited in independent claims 1 and 2. First, the platform of Hergeth is not joined against the upper surface of the ski. Hergeth discloses, in Fig. 1, a platform 5, which is elevated above the surface of the longitudinal elements (two alpine skis) 2, 3 using a mechanical linkage 4 attached to pivots 18. The platform 5 displaces the longitudinal elements 2, 3 with respect to each other when the platform 5 is pivoted. The displacement of the longitudinal elements 2, 3 allows the assembly to turn based on the rotative position of the platform. Accordingly, the platform must be elevated a significant amount above the upper surface of the longitudinal elements 2, 3 to allow

the platform 5 to rotate. The elevated mounting position is not against the upper surface of the longitudinal elements 2, 3. Therefore, Hergeth fails to disclose a platform joined against an upper surface of two longitudinal elements in at least the underfoot zone, as recited in claims 1 and 2.

Second, the platform of Hergeth does not close any portion of the cavity. The cavity of Hergeth, as shown in Fig. 1, is the open area directly between the two longitudinal elements 2, 3 that extends the entire length of the longitudinal elements 2, 3. The platform 5 is elevated above the longitudinal elements 2, 3 using the mechanical linkage 4 and is elevated above the cavity formed between the longitudinal elements 2, 3. The elevated platform 5 does not contact the upper surface of the longitudinal elements 2, 3 and thus does not close any portion of the cavity formed between the elements 2, 3. Therefore, Hergeth fails to disclose a platform joined against an upper surface of the longitudinal elements in at least the underfoot zone to close at least a portion of the cavity, as recited in claims 1 and 2.

Third, the cavity of Hergeth changes while in use, as the platform does not secure the longitudinal elements 2, 3 in the underfoot zone. As discussed above, the platform 5 of Hergeth is suspended above the longitudinal elements 2, 3 using a mechanical linkage 4. The platform 5 and the mechanical linkage 4 pivots to change the position of the longitudinal elements 2, 3 with respect to each other. The mechanical linkage 4 does not secure the longitudinal elements 2, 3 together, as doing so would preclude the intended operation of the apparatus. The desired movement between the longitudinal elements 2, 3 would correspondingly change the size of the cavity formed therebetween. Therefore, Hergeth fails to disclose a platform joined against an upper surface of the longitudinal elements to maintain a constant size of the cavity formed between the longitudinal elements in the underfoot zone, as recited in claims 1 and 2.

Fourth, beneficial results of the present invention cannot be realized, even through routine experimentation, since the longitudinal elements 2, 3 of Hergeth are shown to be traditional alpine skis and since the apparatus of Hergeth is designed to

hold the entire weight of an individual. The platform 5 has two mount locations for feet demonstrating that both feet of an individual will be attached during use. The ratios recited in independent claims 1 and 2 provide the proper flexural relationship between two longitudinal elements on an individual alpine ski. Applicants respectfully submit that it is well known in the art that a typical skier uses two alpine skis, one on each foot, to support his or her weight. Accordingly, the ratio recited in claims 1 and 2 are designed to be appropriate for a system including two alpine skis per individual, as opposed to Hergeth, which discloses using only one apparatus per individual. Along these lines, a person conducting routine experimentation would never achieve the flexural relationship recited in claims 1 and 2 because such a relationship would clearly be inappropriate for the apparatus of Hergeth. Therefore, Hergeth fails to disclose the deflection ratios recited in claims 1 and 2.

For at least the four reasons discussed above, Hergeth fails to disclose the features recited in independent claims 1 and 2. Since claim 6 depends directly from claim 1, claim 6 is also believed to be allowable over the applied art. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

2. Claim 5 was rejected under §103(a) over Hergeth in view of Ortwig. Applicants respectfully submit that the arguments submitted above distinguish claims 1, 2 and 6 from Hergeth. Since Ortwig does not overcome the deficiencies of Hergeth, and since claim 5 depends directly from claim 1, claim 5 is also believed to be allowable over the applied art.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, Examiner Campbell is requested to issue a Notice of Allowance for this application in due course.

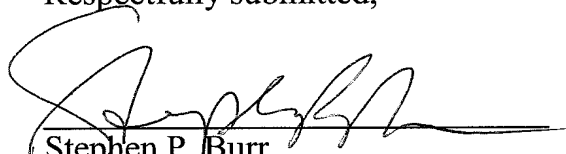
If Examiner Campbell believes that further contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

April 24, 2006

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